

MINUTES
PLANNING BOARD
TOWN OF TRURO
April 5, 2005

A meeting of the Planning Board was held at the Town Hall on April 5, 2005 at 7:00 p.m.

Present were: N. Brown (chair), C. Hartman, W. Worthington, K. Snow, W. Golden, and T. Franklin.

Absent: A. Chaplin.

Also present: John Sanguinet, Dick Lay of Slade Associates, Robert Mahoney, John McEliwee, Martha Webber, Robert & Judy Carlson, Jim Kidney, Nick Norman, Mary Browne, Dennis Cole, Ralph Frieden, Rafael & Barbara Marin, Lucinda Worthington, Elizabeth J. Allen, Thomas Watson, Francie Randolph, Nan Porter, Deborah Paine, Jeanne Gaarder, Eugenia Porges, Peggotty Gilson, Jan Worthington, Jane Roy, Gertrude Bushey, Martha Ingrum, Jim McCollum, Walt Lundergan, Michael & Naomi Rorro, Russell Braun, Michael & Judy Czyoski, Nathan Nickerson, III, Susan P. Wagoner, Mike & Pamela Coelho, Attorney Murphy and Michael Gates

1. MINUTES OF MARCH 29, 2005

K. Snow made a motion to accept the minutes of March 29, 2005, as written; motion seconded by C. Hartman and passed 5-0-1 abstention.

2. Chair announced that the Board would be holding an executive session in the near future regarding K. Nurse.

3. WEBBER PRELIMINARY SUBDIVISION - 161 TRI WORKS ROAD - ASSESS MAP 46 PCL 107

T. Franklin made a motion to open the hearing; motion seconded by W. Golden and unanimously passed.

John McEliwee, Engr. made presentation of plan on behalf of applicant.

Parcel is a 2.3 acre lot which applicant wants to divide into 2 lots. Deborah Paine, an abuttor, questioned various aspects of the project including road extension, frontage, drainage and the fact that the division would not be in keeping with other existing lots in the area. Board will visit site on Monday at 8:00 a.m. W. Worthington made a motion to close the hearing; motion seconded by C. Hartman and unanimously passed.

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4. DRINKWATER PRELIMINARY SUBDIVISION - DEPOT ROAD - ASSESS MAP 50, PCL 98

N. Brown and T. Franklin stepped down. W. Worthington assumed chair.

Dick Lay made presentation on behalf of applicant.

Plan proposes to create two lots from the existing one. W. Worthington asked how many bedrooms are in the existing dwelling. Mr. Lay will find out. Thomas Watson, Francie Randolph, Jan Worthington, Jane Roy, Peggotty Wilson and Lucinda Worthington all spoke on the matter. They feel that the traffic on Depot Road is presently more than the road can handle. W. Worthington asked Mr. Lay to show any currently approved roads in the area on the definitive plan. It was suggested that the applicant explore the possibility of having the Conservation Trust extend the existing easement to include the additional lot, thus relieving any additional traffic on Depot Road. Applicant will pursue this.

Board will visit site on Monday at 9:00 a.m.

C. Hartman made a motion to close the hearing; motion seconded by K. Snow and unanimously passed.

T. Franklin and N. Brown returned to the Board and N. Brown resumed chair.

5. PRELIMINARY SITE PLAN REVIEW - RUSSELL BRAUN - BEACH POINT BEHIND SUTTON PLACE.

Applicant proposes to build 7 cottage colony units with a 4-bay garage and asked to have site plan review waved. C. Hartman suggested that Site Plan review not be waived and K. Snow agreed. N. Brown asked applicant if he would be willing to eliminate his rights of access from Route 6. Applicant agreed to waive this right. Utilities will be underground. Board then ran through Site Plan review requirements and told applicant which items would be waived. The Board wishes to see the covering for refuse storage, any landscaping, sign and lighting.

6. MULLIGAN/ABBOTT ANR - NORTH END OF BOUNBROOK ISLAND - ASSESS MAP 63, PCL 24

Dick Lay presented plan which proposes to transfer a small piece of lot to abuttor whose house presently sits partly on this lot.

K. Snow made a motion to accept Plan #02-17 as an ANR; motion seconded by T. Franklin and unanimously passed (6-0).

7. CONTINUATION OF CZYOSKI SUBDIVISION HEARING

C. Hartman made a motion to open the hearing; motion seconded by W. Worthington and unanimously passed

N. Brown said that Board had received a letter from an abuttor requesting that he recuse himself from this hearing since he had been involved in the sale of lots in the Sawyer Grove Road subdivision. He stepped down and W. Worthington

assumed chair.

Atty. Murphy spoke on behalf of applicant. He said they were sorry Mr. Brown felt it necessary to step down and they had no objection to his sitting on the Board. He said the applicant would place a STOP sign at the end of Priest Road. Mr. Lay then provided a copy of the layout of Hughes Road and a sketch showing the road widths. C. Hartman said that the Board could render no decision until the summer traffic study which the applicant is to obtain, has been received. Mr. Lay said that the road in the proposed subdivision will be a full-spec road with no waivers. It was noted that at the time of the development of Sawyer Grove Road subdivision, Hughes Road was widened at the location of its intersection with Sawyer Grove Road. Discussion followed regarding minutes taken at time of Sawyer Grove Road subdivision approval noting that no further subdivisions could use road. Atty. Murphy said that the final covenant signed by the Planning Board at that time did not include this restriction.

K. Snow said she had spoken to a member of the Cape Cod Commission (CCC) regarding the fact that the traffic study provided referred to the CCC study. She was told that the CCC study did not apply to the outer Cape towns. K. Snow made a motion to send the Connelly traffic study to CCC for feedback from them on seasonal fluctuations; motion seconded by W. Golden. Following discussion, C. Hartman asked K. Snow to withdraw her motion because he felt the Board should do a discretionary referral of the whole project to CCC. K. Snow withdrew her motion and W. Golden withdrew his second. C. Hartman made a motion to refer the project to CCC; motion seconded by T. Franklin. During discussion period, Atty. Murphy said they would prefer to work with this Board and a referral might force the applicant to use the existing proprietor's road for access. Nathan Nickerson said he had created a 62-lot subdivision in Wellfleet with access on a much narrower road than Hughes Road and he felt it was unfair to refer to CCC. Naomi Rorro said she felt there was no safety issue and the applicant should be allowed to go forward and should not be referred to CCC. N. Nickerson said he had been approached by an abuttor and was offered payment if he would deny use of Sawyer Grove Road to new development.

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Many abutters residing on Sawyer Grove Road and vicinity all spoke about the dangerous traffic situations which already exist in the area and one mentioned that there exists the possibility of two more subdivisions accessing from Sawyer Grove Road.

Applicant offered to improve Hughes Road and K. Snow asked Mr. Hartman to withdraw his motion in order to pursue other avenues of improvement. Mr. Hartman said he would withdraw temporarily in order to discuss other issues. T. Franklin wanted to bring the matter to a vote because CCC has more expertise

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about

in various areas than members of the Board. N. Nickerson said the Board could obtain information and advice from CCC without doing a referral. Mr. Hartman noted that many issues about which Board members were uncomfortable could be addressed by this Board but could be addressed by CCC. Atty. Murphy said applicant would work with this Board in any area to reach solutions. Dick Lay said the Board could address other issues not presently in its purview at time of Site Plan Review. Michael Rorro said he objected to referral to CCC. Mr. Hartman asked if Site Plan Review application could be provided at the same time as the definitive subdivision plan. Mr. Franklin said the Board had concerns the traffic issues on Sawyer Grove Road and Hughes Road and asked applicant if the density in the subdivision could be reduced. Atty. Murphy said this was a possibility. Mr. Franklin then said he would like to have more information about what a referral to CCC entails before making a decision to refer. Mr. Hartman said all information about referral could be obtained on the internet.

Mr. Hartman said if Board members were uneasy about referral at this time, and if applicant was willing to work with the Board on the major issues, he would be willing to withdraw his motion. C. Hartman withdrew his motion in order to provide the applicant with an opportunity to work with the Board; T. Franklin withdrew his second.

K. Snow made a motion to send the traffic study to CCC as originally moved; motion seconded by C. Hartman and unanimously passed (5-0).

Mr. Nickerson said that restrictions could be put in place by the developer.

C. Hartman made a motion to continue the hearing to a later date; motion seconded by T. Franklin and unanimously passed (5-0).

T. Franklin asked Atty. Murphy what their next steps would be. Atty. Murphy said they would look at the issues the Board is concerned about (a) traffic; (b) view from hillside; (c) effect on natural environment and (d) density.

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T. Franklin asked if easement could be given to neighbors to cross property as is currently the practice. Atty. Murphy said this raises questions about liability.

M. Browne said she was afraid the current amperage was not adequate to carry the additional lots. Mr. Lay will try to obtain this information.

8. BYLAW AMENDMENT - LOT FRONTAGE

Issue discussed with input from James Kidney and Walt Lundergan.

C. Hartman made a motion to accept the lot frontage amendment as shown on the attached sheet for publication; motion seconded by W. Worthington and unanimously passed.

C. Hartman made a motion to adjourn; motion seconded by K. Snow and unanimously passed.

Meeting adjourned at 10:10 p.m.

Respectfully submitted,

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Joan Moriarty

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